
Att A of orig. pkg - 2 May 72

Replaced by Ablard's suggested floor
statement (w/changes by LLM) in pkg.
of 15 May given to JMM

Approved For Release 2007/02/07 : CIA-RDP74B00415R000600120012-6
RESTRICTIONS ON PREPARATION AND DISSEMINATION
OF INFORMATION ABROAD - S. 3526

Section 205 amends the United States Information and Educational Exchange Act of 1948 which is permanent legislation pertaining to the responsibilities of the United States Information Agency for carrying out international information activities. According to the committee report, the purpose of the 1948 Act is to inform the people of other countries about the United States. This is in line with the purpose clause of the 1948 Act which is "to promote better understanding of the United States among the peoples of the world and...strengthen cooperative international relations."

The principal purpose of section 205 as I understand it is to more closely conform USIA's information work overseas to the objectives of the 1948 Act through certain restrictions on the preparation and dissemination of information abroad. I defer to the Senate Foreign Relations Committee which has legislative jurisdiction over the operations of USIA on whether such statutory guidance is necessary or desirable.

My concern is that section 205 applies not only to the 1948 Act, which it amends, but also to "any other law." Further, it applies not only to USIA, which carries out the responsibilities of the 1948 Act, but to all other Government agencies as well. As a consequence, section 205 prohibits any Federal agency from directly or indirectly preparing or assisting in preparing for dissemination, or disseminating, information of any kind for, on behalf of, or in the name of any foreign government. In addition, section 205 prohibits

any assistance "financial, technical or otherwise" in preparing information for distribution abroad unless the information is attributed to the Federal agency involved.

The sweeping language of section 205 would either prohibit or seriously impair the further dissemination of information which is now routinely passed between Federal agencies and foreign public and private agencies to serve mutual interests affecting health, welfare, commerce and security. These interests go beyond the program responsibilities of the USIA and beyond the purposes of the United States Information and Educational Exchange Act which is "to inform the people of other countries about the United States."

In reaching beyond the informational charter of USIA, section 205 would prohibit or impair the further dissemination of information dealing with:

a. Narcotics

Section 205 would prohibit dissemination of information to foreign public agencies for further dissemination of information concerning detection, controls, seizures and prosecutions which have a direct impact on our domestic drug problem. Further, Federal agencies would be prohibited from disseminating information received from a foreign country for the purpose of apprehending or extraditing for that foreign country a fugitive drug pusher who has sought refuge in the United States. It would seem that such a prohibition would also be contrary to treaty obligations.

b. Population Control

Section 205 would also prohibit the dissemination of information to foreign public agencies and impair the use of information by foreign private agencies concerning methods to achieve planned population growth and advanced methods of curtailing uncontrolled birth rates.

c. Police Matters

Section 205 would prohibit the dissemination of information to foreign police agencies for further dissemination concerning international crimes and criminals, extradition matters, and law enforcement techniques. Such prohibition would also appear to be an abrogation of U.S. treaty responsibilities.

d. Ecology

Section 205 would prohibit the dissemination of information to foreign public agencies for further dissemination concerning violations of environmental protective agreements, management of natural resources development, and techniques to help minimize or redress ecological damage.

e. Education, Including Peace Corps Contributions

Section 205 would prohibit the dissemination of information to foreign public agencies for further dissemination and impair the

dissemination of information to foreign private agencies which are designed to improve the effectiveness of educational systems.

f. Health

Section 205 would prohibit the dissemination of information to foreign public agencies for further dissemination concerning international health problems, epidemics and other indigenous health problems in foreign countries, and the overall use and development of medicines and techniques in improving the health of populations.

g. Commerce

Section 205 would prohibit the United States Travel Service from providing information to foreign public agencies and impair its effectiveness with foreign private agencies for the further dissemination of information, materials, texts, photos designed to encourage travel to the United States.

h. Ad nauseum (note)

(There are a number of other illustrations falling in such diverse areas as national defense planning, disarmament goals, atomic energy, military aid, insurgency situations, agricultural trade fairs, international money matters, and international law which can be developed and included.)

I doubt very much that the sweeping language used in section 205 would have been favorably reported by the Senate Foreign Relations Committee had the points I have touched upon been covered in hearings before that Committee when this legislation was being considered. I am unaware of the depth of the Committee's hearings on this matter.

Clearly, section 205 goes beyond the scope of S. 3526, which I understand to be primarily an authorization measure for the Department of State and USIA. Clearly, it goes beyond the program responsibilities of USIA. Moreover, the ramifications of section 205, as I have illustrated, are clearly outside the purview of the Information and Educational Exchange Act.

The amendment I have proposed to section 205 I believe is consistent with the legislative activities of the Senate Foreign Relations Committee and properly confines the informational restrictions of the section to those carried out under the authority of the United States Information and Educational Exchange Act of 1948.

Amendment to Section 205 of the
Foreign Relations Authorization Act of 1972

Page 26 line 13 - Page 27 line 8

RESTRICTIONS ON PREPARATION AND DISSEMINATION
OF INFORMATION ABROAD

SEC. 205. Title V of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461) is amended by adding at the end thereof the following new section:

"RESTRICTIONS

"SEC. 503. (a) In carrying out the provisions of this Act, no Government agency shall, directly or indirectly, prepare or assist in preparing for dissemination, or disseminate, information of any kind for, on behalf of, or in the name of any foreign government.

"(b) No Government agency shall prepare under the authority of this Act information for dissemination abroad unless the information prepared by that agency clearly indicates the name of the Government agency so preparing. No Government agency shall assist in preparing under the authority of this Act information for dissemination abroad unless such assistance clearly indicates the name of the Government agency so assisting.

"(c) For purposes of this section, the dissemination of information includes publication, broadcasting, and telecasting of information. It does not include distribution of materials acquired from the U.S. private sector, such as privately-produced books and films used or distributed by information centers abroad."

1 is amended by adding at the end thereof the following new
2 sentence: "The provisions of this section shall not apply to,
3 or affect in any manner, permanent appropriations, trust
4 funds, and other similar accounts administered by the Secre-
5 tary or such agency as authorized by law."

6 DISSEMINATION OF INFORMATION WITHIN UNITED STATES

7 SEC. 204. The second sentence of section 501 of the
8 United States Information and Educational Exchange Act
9 of 1948 (22 U.S.C. 1461) is amended by striking out "press
10 release or radio script" and inserting in lieu thereof "infor-
11 mation shall not be disseminated within the United States,
12 its territories, or possessions, but".

13 RESTRICTIONS ON PREPARATION AND DISSEMINATION OF
14 INFORMATION ABROAD

As reported 15 SEC. 205. Title V of the United States Information and
16 Educational Exchange Act of 1948 (22 U.S.C. 1461) is
17 amended by adding at the end thereof the following new
18 section:

19 "RESTRICTIONS

20 "SEC. 503. (a) In carrying out the provisions of this
21 Act or any other law, no Government agency shall, directly
22 or indirectly, prepare or assist in preparing for dissemination,
23 or disseminate, information of any kind for, on behalf of, or
24 in the name of any foreign government.

25 "(b) No Government agency shall prepare, or assist in
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1 preparing, information for dissemination abroad, unless the
2 information prepared by that agency, or with the assistance
3 of that agency, clearly indicates at the beginning of such
4 information the name of the Government agency so preparing
5 or assisting.

6 “(c) For purposes of this section, the dissemination of
7 information includes publication, broadcasting, and telecast-
8 ing of information.”

9 **TITLE III—UNITED STATES ARMS CONTROL AND**
10 **DISARMAMENT AGENCY**

11 **AUTHORIZATION OF APPROPRIATIONS**

12 **SEC. 301.** The second sentence of section 49 (a) of the
13 Arms Control and Disarmament Act (22 U.S.C. 2589 (a))
14 is amended by inserting immediately after “\$17,500,000,”
15 the following: “, and for the two fiscal years 1973 and 1974,
16 the sum of \$31,995,000.”

17 **SEISMIC RESEARCH**

18 **SEC. 302.** Section 49 (a) of the Arms Control and Dis-
19 armament Act (22 U.S.C. 2589 (a)) is amended by add-
20 ing at the end thereof the following new sentence: “Not-
21 withstanding any other provision of law, \$9,995,000 of the
22 amounts appropriated for fiscal year 1973 to carry out this
23 Act shall be obligated and expended only to conduct seismic
24 research.”

Att. D used in pkg. to JMM 15 May 72

should obtain a court order restraining the proposed showing of "Czechoslovakia 1968." The principal legal tests controlling the issuance of injunctive relief are likelihood of success on the merits of the case, and a showing of irreparable injury. For the reasons stated, we are convinced that we would not succeed on the merits in this instance. Moreover, under the circumstances, a single showing of this film in one area of the country could not, as we see it, be deemed irreparable injury. *In addition, although the situations are different in some respects, many of the considerations which led the Supreme Court to deny the Government's request to prevent publication of the Pentagon Papers are present here. See New York Times v. United States, 403 U.S. 713 (1971).*

It is true that existing law is somewhat unclear as to the standards governing domestic availability and distribution of USIA materials. In our judgment, generally speaking, current USIA practices in this respect are reasonable accommodations of complex and sometimes possibly conflicting directives from the Congress deriving from the 1948 statute, the 1965 statute, and other expressions of Congressional intent. However, it may be appropriate for USIA to reexamine its current practice of depositing selected films with the National Audio-visual Center without additional restrictions on domestic distribution.

Sincerely,

RICHARD G. KLEINDIENST,
Acting Attorney General.

This ruling is in the view of a committee a distortion of the legislative intent concerning the domestic distribution of USIA materials.

Authority for the public showing of the USIA film concerning the late President Kennedy required a special act of Congress. And in order to placate the genuine concerns expressed at the time that the showing of this film would pave the way for the wholesale distribution of USIA materials and propagandizing the American public, Congress stated the following in that act:

"It is further the sense of Congress that the expression of Congressional intent embodied in this joint resolution is to be limited solely to the film referred to herein and that nothing contained in this joint resolution should be construed to establish a precedent for making other materials prepared by the United States Information Agency available for general distribution in the United States."

It is difficult to understand how Congress could have stated its intentions more clearly. And yet, in view of the Acting Attorney's recent ruling, there is an obvious need for a specific prohibition against the domestic dissemination of any USIA materials.

This provision is a blanket prohibition barring public distribution of any and all materials produced by the United States Information Agency. In the future, special situations can be handled on a case-by-case authorization basis, as was the case with the Kennedy film.

Sec. 205--Restrictions on preparation and dissemination of information.

This amendment to the Information and Educational Exchange Act of 1948 prohibits any Government agency from preparing or dissemin-

nating information of any kind on behalf of a foreign government. In addition, it prohibits any Government agency from distributing abroad unattributed materials which it has prepared or assisted in preparing, whether such assistance was financial, technical or otherwise. The amendment defines the term "dissemination of information" to include "publication, broadcasting and telecasting of information."

In recent years the Committee was warned of U.S. Government agencies:

- preparing informational materials which have been attributed to foreign governments, such as in the case of Vietnam and Laos;
- funding by the Government of Radio Free Europe and Radio Liberty with no attribution to the U.S. Government;
- distributing general propaganda materials without attribution to the Government, as in the case of the comic book, "El Desengaño," dealing with urban terrorism, and distributed throughout Latin America; and
- preparing for and attributing informational materials to private U.S. companies overseas, such as in the case of an investment brochure recently prepared for and attributed to Texaco-Gulf in Ecuador.

These practices are deceptive and serve to undermine the basic tenets of the Information and Educational Exchange Act of 1948—an Act whose fundamental purpose was and still ought to be to inform the people of other countries about the United States.

The examples of unattributed material prepared by this or that Federal agency, of covert funding of radio broadcasts to Eastern Europe and the Soviet Union, of propaganda prepared by a Government agency and then attributed to a foreign government—all of this indicates how far we have strayed from the basic purposes and goals set forth in the 1948 Information Act.

The amendment serves to get our overseas information program back on the right track. It prevents these questionable practices from continuing and developing further. It gets us out of the propaganda business on behalf of other governments and requires that any information materials disseminated abroad by the U.S. Government be attributed to it.

TITLE III—ARMS CONTROL AND DISARMAMENT AGENCY (ACDA)

Sec. 301. Authorization of appropriations

Sec. 301 authorizes the appropriations of \$31,995,000 for the ACDA.

This amount is composed of \$22,000,000 for the regular functions of the ACDA for the fiscal years 1973 and 1974, and \$9,995,000 for fiscal year 1973 for seismic research only. Of the \$22,000,000, the ACDA proposes to request appropriations for \$10,560,000 for fiscal year 1973 and \$11,440,000 for fiscal year 1974.

The twelve-year history of appropriations and obligations, broken down by program operations and external research and field testing, is as follows:

Dissemination of Information -Sec. 205

2 May - to Ablard (USIA) w/atts A, B, C

4 May - to Halmo (State) w/atts A, B, C

15 May - to Maury w/followng changes:

Ablard's suggested floor statement (with
suggested changes by LLM) was sub-
stituted for Att A of 2 May pkg

Added Att D - SRF excerpt from Com.
Rpt. 92-754



CENTRAL INTELLIGENCE AGENCY

Office of Legislative Counsel
Washington, D. C. 20505

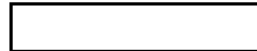
Telephone:

2 May 1972

STAT

TO: Mr. Charles Ablard
General Counsel, USIA
Washington, D. C. 20547

The attached material is being sent to
you per our telephone conversation.



STATOTHR



CENTRAL INTELLIGENCE AGENCY

Office of Legislative Counsel
Washington, D. C. 20505

Telephone:

4 May 1972

STAT

TO: Mr. James Halmo
Department of State

Attached is a copy of the material which we
gave Mr. Ablard on section 205 of S. 3526.



Deputy Legislative Counsel

STATOTHR